IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 10884 of 2007(U)

PETITIONER:

B.SASIDHARAN NAIR,MECHANIC, K.S.R.T.C
ALAPPUZHA, AGED 48 YEARS, VANJIPUZHETHUVEEDU,
PUNNLA VILLAGE, PATHANAPURAM TALUK, KOLLAM.

BY ADV. SMT.PREETHA ANIL RAVEENDRAN

RESPONDENTS:

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1. THE KERALA STATE REPRESENTED BY THE
DISTRICT COLLECTOR, ALAPPUZHA.

2. SPECIAL DEPUTY TAHASILDAR
(R.R), KSFE LIMITED, ALAPPUZHA.

3. THE A.T.O. K.S.R.T.C., ALAPPUZHA.

4. KERALA STATE FINANCIAL ENTERPRISES
LTD., THIRUVALLA.

R1 BY G. P. SRI. P.N. SANTHOSH
R2 AND R4 BY ADV. SRI.M.SASINDRAN, SC, K.S.F.E., LTD.
R3 BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 COPY OF THE CERTIFICATE ISSUED BY DTO

EXT.P2 COPY OF THE NOTICE NO. NCL 722

EXT.P3 COPY OF PAY-IN-SLIP FOR THE MONTH OF JANUARY, 2007

THIRD RESPONDENT'S EXHIBITS:

ANNEXURE A TRUE COPY OF THE STATEMENT SHOWING THE DATE OF RECOVERY.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 10884 OF 2007

Dated this the 11th day of September, 2007

JUDGMENT

Petitioner's grievance is that recoveries made from his salary by KSRTC and stated to be remitted by the KSRTC are not fully credited by the KSFE in their accounts. It is his case that there is discrepancy of Rs. 14,000/- in the recovery and payment made by KSRTC and the credit given by KSFE. Petitioner cannot be held responsible for the short fall in credit because KSRTC has certified recovery and payment of Rs. 40,500/- from petitioner's salary. Therefore petitioner is entitled to get full amount paid by KSRTC credited and is entitled to proportionate reduction in interest from the date of recovery and payment by KSRTC. Since standing counsel for KSFE submitted that Rs. 26,500/- was received from KSRTC, there will be direction to respondents 2 and 4 to verify the reason for short credit and adjust balance Rs. 14,000/- also on the date on which KSRTC has remitted the same and reduce interest on such amount charged subsequently and give a detailed statement to the petitioner within one week from the

date of production of a copy of this judgment. Recovery from other sureties is stated to be above Rs. 30,000/- and therefore only the balance amount is recoverable from the principal debtor and guarantors, including the petitioner. Recovery can be continued after giving detailed statement to the petitioner only for the balance amount. I make it clear that if there was delay in payment by KSRTC after recovery, interest should be recovered from the KSRTC and not from the petitioner. Therefore details of recovery from monthly salary and date of receipt of payment from KSRTC should be stated by the KSFE for the petitioner to verify the correctness of demand of interest.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge